

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SINGULARDTV, GMBH,

Plaintiff,

v.

JOHN DOE,

Defendant.

Case No. 1:21-cv-06000 (VEC)

DECLARATION OF JOSEF M. KLAZEN
IN SUPPORT OF MOTION TO QUASH RULE 45 SUBPOENA

1. I, Josef M. Klazen, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief.

2. I am an attorney duly admitted to practice law in the State of New York. I am a member of the bar of New York. I am currently a partner and attorney with Kobre & Kim LLP (“Kobre & Kim”), located at 800 Third Avenue, New York, New York 10022. Kobre & Kim is counsel for SingularDTV GmbH (“SingularDTV” or the “Company”) in a related matter before this Court captioned *SingularDTV GmbH v. Zachary LeBeau and Kimberly Jackson*, 1:21-cv-10130 (VEC).

3. I submit this Declaration in support of Kobre & Kim’s Motion to Quash the Information Subpoena served on Kobre & Kim on May 16, 2022 (the “Subpoena”).

4. The Company engaged Kobre & Kim as its counsel in or about October 2021. Kobre & Kim then engaged AlixPartners shortly thereafter to provide context regarding blockchain technology and analyze certain transactions related to SingularDTV GmbH and associated entities.

5. As the alleged hacking incident occurred on or about May 2021 (Dkt. 42 at 1) and the John Doe action was filed on July 13, 2021, neither Kobre & Kim nor AlixPartners are percipient witnesses to the alleged hack, which predated their involvement with the Company.

6. Kobre & Kim engaged AlixPartners to analyze certain transactions on the public blockchain. The results of that analysis were filed under the Declaration of Kevin E. Madura on December 23, 2021 (Dkt. 26). The Declaration does not identify the John Doe defendant.

7. Kobre & Kim does not know the identity of the John Doe defendant and does not hold customer account holder information about the John Doe defendant.

8. The Company continues to engage Kobre & Kim as its counsel on this and certain other related matters.

9. For example, Kobre & Kim represents the Company in the *SingularDTV GmbH v. Zachary LeBeau and Kimberly Jackson*, 1:21-cv-10130, before this Court. In that matter, the Company filed a complaint against Defendants LeBeau and Jackson on November 29, 2021, which included the following claims, among others: replevin, trespass to chattels, constructive trust, restitution, and conversion. In its Amended Complaint dated March 4, 2022, the Company no longer asserted those particular claims (though it continues to assert other claims) because they were largely mooted by LeBeau's return of certain—but not all—requested assets in or around February 2022, following this Court's Consent Order dated January 25, 2022.

10. Attached as Exhibit 1 is a true and correct copy of a letter, dated March 17, 2022, from Benjamin Sauter to Jerald Tenenbaum.

11. Attached as Exhibit 2 is a true and correct copy of the Subpoena.

12. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 15, 2022
Paris, France

/s/ Josef M. Klazen
Josef M. Klazen